

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

United States of America,

Plaintiff,

v.

MELTON GAMEZ FIERRO

Defendant.

Case No. 12-mj-70449 MAG

STIPULATED ORDER EXCLUDING TIME
UNDER THE SPEEDY TRIAL ACT

APR 24 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

For the reasons stated by the parties on the record on APR 24, 2012, the Court excludes time under the Speedy Trial Act from APR 24, 2012 to MAY 7, 2012 and finds that the ends of justice served by the continuance outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). The Court makes this finding and bases this continuance on the following factors:

- _____ Failure to grant a continuance would be likely to result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(B)(i).
- _____ The case is so unusual or so complex, due to [check applicable reasons] _____ the number of defendants, _____ the nature of the prosecution, or _____ the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established by this section. See 18 U.S.C. § 3161(h)(7)(B)(ii).
- _____ Failure to grant a continuance would deny the defendant reasonable time to obtain counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).
- _____ Failure to grant a continuance would unreasonably deny the defendant continuity of counsel, given counsel's other scheduled case commitments, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).
- _____ Failure to grant a continuance would unreasonably deny the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).
- ✓ _____ For the reasons stated on the record, it is further ordered that time is excluded under 18 U.S.C. § 3161(b) and waived with the consent of the defendant under the Federal Rule of Criminal Procedure 5.1(c) and (d).

IT IS SO ORDERED.

DATED: 4/24/12

Laudis Washnol
United States Magistrate Judge

STIPULATED: [Signature]

Attorney for Defendant

[Signature]

Assistant United States Attorney